

# Application to Remove a Private Tree - 52 Briar Hill Avenue

**Date:** February 7, 2020

**To:** North York Community Council

**From:** Director, Urban Forestry, Parks, Forestry and Recreation

**Wards:** Ward 8 - Eglinton Lawrence

## SUMMARY

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This report requests that City Council deny the request for a permit to remove one privately owned tree located at 52 Briar Hill Avenue. The application indicates the reasons for removal are due to concerns that the tree is growing too close to the dwelling resulting in branches and walnuts hitting the roof and possibly causing property damage and personal injury.

The subject tree is a black walnut (*Juglans nigra*), measuring 43 cm in diameter. The Private Tree By-law does not support the removal of the tree as it is healthy and maintainable.

## RECOMMENDATIONS

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The General Manager of Parks, Forestry and Recreation recommends that:

1. City Council deny the request for a permit to remove one privately owned tree located at 52 Briar Hill Avenue.

## FINANCIAL IMPACT

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There are no financial implications resulting from the adoption of this report.

## DECISION HISTORY

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There is no decision history regarding this tree removal permit application.

## COMMENTS

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Urban Forestry received an application for a permit to remove one privately owned tree located in the rear yard at 52 Briar Hill Avenue. The subject tree is a black walnut measuring 43 cm in diameter. The property owner's stated reasons for seeking a removal permit include the tree being too close to the dwelling, overhanging branches hitting the roof during strong winds, and walnuts falling onto the roof, both causing possible property damage and personal injury.

The arborist report that accompanied the application did not provide a condition assessment but notes bleeding at a main trunk union, and a dark spot on the trunk at the base of the tree. Urban Forestry inspected the tree and, at the time of inspection, determined it is healthy and in good condition, both botanically and structurally. Staff did not observe any bleeding or dark spots, nor did they find any significant defects that would weaken the tree's strength or longevity. No evidence of the tree impacting the dwelling because it is too close was observed at the time of inspection. The location of the tree is located such that routine maintenance of the tree can be performed.

All trees can drop twigs, leaves, needles, nuts, or fruit. The Private Tree By-law does not support tree removal to address the perceived nuisance resulting from a tree's natural functions. Concerns expressed by the applicant regarding falling branches and nuts can be addressed through removal of overhanging branches by pruning in accordance with good arboricultural practices and routine tree and property maintenance.

When reviewing applications for tree removal, Urban Forestry staff are guided by City policies and bylaws including *City of Toronto Municipal Code, Chapter 813, Trees, Article III*, more commonly referred to as the Private Tree By-law. The Private Tree By-law does not have a mechanism that would allow the removal of the subject tree based on the concerns stated in the tree removal application.

As required under *Section 813-19, of City of Toronto Municipal Code, Chapter 813, Trees, Article III*, a Notice of application sign was posted on the subject property for the minimum 14-day period in order to provide an opportunity for comment by the community. No comments were received in response to the posting.

A permit to remove the tree was denied by Urban Forestry. The owner is appealing this decision.

Should City Council approve this request for tree removal, in accordance with *Section 813-20 of City of Toronto Municipal Code Chapter 813, Trees, Article III*, permit issuance must be conditional upon the provision of satisfactory replacement planting. As a condition of permit issuance, the applicant is proposing to plant one replacement tree. However, in this instance it would be appropriate for the applicant to provide five replacement trees which can be achieved in a combination of on-site planting and cash-in-lieu of planting.

Trees improve the quality of urban life and contribute greatly to our sense of community. They help to soften the hard lines of built form and surfaces in an urban setting. Trees contribute to the overall character and quality of neighbourhoods. Studies suggest that social benefits such as crime reduction and neighbourhood cohesion can be attributed to the presence of trees.

The environmental benefits of trees include cleansing of the air, noise and wind reduction, and protection from ultraviolet radiation. Trees reduce rainwater runoff thereby reducing soil erosion and lowering storm water management costs. They also contribute to moderation of temperature extremes and reduction of the urban heat island effect by providing shade during the summer.

Trees provide many economic benefits including the enhancement of property values. Homes with mature trees have higher value when compared to similar types of homes in similar locations without trees. Mature trees are associated with reduced home energy consumption. Air conditioning costs are lower in a home shaded by trees and heating costs are reduced when trees mitigate the cooling effects of wind in winter. Trees are a community resource thus contributing to growth and prosperity.

It is the goal of the City of Toronto increase the City's tree canopy to 40 per cent. The loss of trees in the City due to the ice storm experienced in late December 2013, compounded with additional tree loss due to the presence of the Asian longhorned beetle and the emerald ash borer make the preservation of all healthy trees more necessary now than ever.

The black walnut tree at 52 Briar Hill Avenue is a valuable part of the urban forest. With proper care and maintenance this tree has the potential to provide the property owner and the surrounding community with benefits for many more years. In accordance with the City Council-approved Strategic Forest Management Plan, Toronto's Official Plan and the Tree By-law, this tree should not be removed.

## **CONTACT**

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## **SIGNATURE**

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Jason Doyle  
Director, Urban Forestry  
Parks, Forestry and Recreation

## **ATTACHMENTS**

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Attachment 1 - Figure 1: Subject tree measuring 43 cm in diameter situated in the rear yard of 52 Briar Hill Avenue

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